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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/044,375	01/10/2002	John Lawrie	14263	8264	
25763 7590 12/17/2003			EXAMINER		
	WHITNEY LLP	PASCUA, JES F			
INTELLECTUAL PROPERTY DEPARTMENT 50 SOUTH SIXTH STREET			ART UNIT	PAPER NUMBER	
			ARI UNI	TATER HOMBER	
MINNEAPOI	LIS, MN 55402-1498		3727	. 2	
	-		DATE MAILED: 12/17/2003	, 13	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Advisory Action	10/044,375	LAWRIE ET AL.				
Advisory Action	Examiner	Art Unit				
	Jes F. Pascua	3727				
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress			
THE REPLY FILED 05 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.						
PERIOD FOR REPLY [check either a) or b)]						
a) The period for reply expires 3 months from the mailing date of b) The period for reply expires on: (1) the mailing date of this Advevent, however, will the statutory period for reply expire later the ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).	isory Action, or (2) the date set forth in than SIX MONTHS from the mailing date of FILED WITHIN TWO MONTHS OF THE	f the final rejection. E FINAL REJECTION. S	See MPEP			
Extensions of time may be obtained under 37 CFR 1.136(a). The dath have been filed is the date for purposes of determining the period of extensions CFR 1.17(a) is calculated from: (1) the expiration date of the shortened (b) above, if checked. Any reply received by the Office later than three more earned patent term adjustment. See 37 CFR 1.704(b).	sion and the corresponding amount of the I statutory period for reply originally set in	fee. The appropriate ex the final Office action; or	tension fee under (2) as set forth in			
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.						
2. The proposed amendment(s) will not be entered be	ecause:					
(a) $oxed{\boxtimes}$ they raise new issues that would require furth	er consideration and/or search (see NOTE below);				
(b) they raise the issue of new matter (see Note by						
(c) ☑ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or						
(d) they present additional claims without canceling a corresponding number of finally rejected claims.						
NOTE: See Continuation Sheet.						
3. Applicant's reply has overcome the following reject						
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in a s	eparate, timely file	d amendment			
5.⊠ The a) affidavit, b) exhibit, or c) request for application in condition for allowance because: Se		sidered but does No	OT place the			
6. The affidavit or exhibit will NOT be considered be raised by the Examiner in the final rejection.	cause it is not directed SOLELY	to issues which we	ere newly			
7. For purposes of Appeal, the proposed amendmen explanation of how the new or amended claims w			and an			
The status of the claim(s) is (or will be) as follows:						
Claim(s) allowed:						
Claim(s) objected to:						
Claim(s) rejected: 1-5 and 7-46.						
Claim(s) withdrawn from consideration:						
8.⊠ The drawing correction filed on <u>05 December 200</u> .	$\underline{3}$ is a) $⊠$ approved or b) $□$ dis	approved by the E	xaminer.			
9. Note the attached Information Disclosure Stateme	ent(s)(PTO-1449) Paper No(s).	······································				
10. Other:		Jes F. Paseus				
		Jes F. Pascua Primary Examiner Art Unit: 3727				

Continuation Sheet (PTOL-303) 110/044,375





Application No.

Continuation of 2. NOTE: The proposed language "said interior end portions gradually diverging from each other", "to form a gusseted bottom" and "adapted to be pierceable by the drinking straw" would require more than nominal consideration, thus raising new issues.

Continuation of 3. Applicant's reply has overcome the following rejection(s): The rejection of claim 7 under 35 USC 112, second paragraph has been overcome.

Continuation of 5. does NOT place the application in condition for allowance because: Nowhere in the four corners of applicant's original specification is the language "single panel" or "single flexible panel" found. The method of sealing used to seal the first surface to the second surface has not be defined to warrant the language "the same method". Applicant's argument that the peel seal region and the permanent seal regions in Bell are made by different methods is opinion. Applicant's argument that the Bell/Hardy combination is lacking motivation and fails to suggest all the claim limitations is opinion.